

REMARKS

Careful consideration has been given to the Examiner's Action mailed December 20, 2005 in connection with the above-referenced patent application. The Examiner's recognition of allowable subject matter in claims 6, 14 and 26 is appreciated. Nonetheless, reexamination and reconsideration of the application is hereby respectfully requested.

The Office Action

Claims 1-3, 8-12, 15, 16, 18, 19, 22-24, 28, 31 and 32 were rejected under 35 USC §103 as being unpatentable over U.S. Patent No. 5,920,808 to Jones et al. in view of U.S. Patent No. 6,493,543 to Shin et al. and further in view of U.S. Patent No. 5,963,549 to Perkins et al.

Claims 4, 5, 7, 13, 20, 25 and 33 were rejected under 35 USC §103 as being unpatentable over the Jones et al. patent in view of the Shin et al. patent, further in view of the Perkins et al. patent and further in view of U.S. Patent No. 6,288,610 to Miyashita.

Claims 17, 21, 27, 30 and 34 were rejected under 35 USC §103 as being unpatentable over the Jones et al. patent in view of the Shin et al. patent.

Claims 6, 14 and 26 were objected to as being dependent upon or rejected based claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

The Claims are Patentably Distinct Over the Cited Patents

Claims 1-3, 8-12, 15, 16, 18, 19, 22-24, 28, 31 and 32 were rejected as being obvious over Jones in view of Shin and Perkins.

However, independent claim 1 recites a receiver that is tuned to at least one specific frequency to measure RF power over a narrow bandwidth. The Examiner

agrees that it is clear that Jones does not illustrate a receiver that samples the RF signals as claimed and disclosed in this way. The Jones patent relates to a system that performs waveform comparison, not spectrum analysis. The Examiner points to no portion of Perkins that would cure this deficiency.

The Examiner relies on Shin for teaching of a receiver being tuned to at least on specific frequency offset from a carrier frequency. However, as previously asserted and unaddressed by the Examiner, Shin is not fairly combinable with the previously noted patents that relate to waveform comparison. Presuming that Shin relates to spectrum analysis, this technology is an entirely different approach to predistortion techniques than waveform analysis. This, of course, has been previously argued in connection with the differences between the present invention and the cited documents.

Shin is further distinctive and not combinable because the system of Shin does not specify that predistortion is being applied to a baseband signal, as claimed. Indeed, the circuit shown in Figures 5, 7, 12 and 13 of Shin imply that predistortion techniques are being applied to an RF signal, as opposed to a baseband signal. The Examiner does not disagree that Shin does not teach application of predistortion to a baseband signal. The Examiner argues that Jones relates to a baseband signal. However, as noted above, these teachings are not combinable. Therefore, the claims are not rendered obvious by the combination.

Moreover, claim 9 recites a step of sampling to measure RF power at specific frequencies in a narrow bandwidth. This is clearly not fairly taught by the Jones patent, as noted above. Again, the Examiner points to no portion of Perkins that would cure this deficiency. Further, it is submitted that the receiver of Shin is a broadband receiver whereby processing is required to obtain desired frequencies, as opposed to the use of a narrow band receiver of the present invention.

The Examiner rejected claim 28 based on the suggested combination of Jones, Shin and Perkins. However, because claim 28 is dependent on claim 27 (which is submitted to be allowable), claim 28 is likewise submitted to be allowable.

In addition, the Examiner included claim 16 in the rejection based on the combination of Jones, Shin and Perkins. However, claim 16 (like claim 28) is a means-plus-function claim. Such claims need to be interpreted in light of the specification, which the Examiner has not done. In any event, no combination of waveform and spectrum analysis teachings could be combined to render properly interpreted claims 16 and 28 obvious. Therefore, these claims are allowable.

Accordingly, the claims are not rendered obvious by the suggested combination of Jones and Shin in view of Perkins.

Claims 4, 5, 7, 13, 20, 25 and 33 were rejected under the Jones, Shin and Perkins combination in further view of Miyashita. However, as previously submitted, these claims are all claims dependent upon claims submitted to be allowable. It is submitted that the addition of Miyashita does not cure the deficiencies of the combination noted above.

Claims 17, 21, 27, 30 and 34 were also rejected under 35 U.S.C. §103 as being obvious in view of the Jones and Shin combination. The Examiner's formal rejection takes on substantially the same form as that in the last Office Action. Therefore, the Examiner is referred to the previous amendment for the applicants' response.

However, as previously argued, independent claims 17, 21 and 30 recite a receiver that is tuned to at least one specific frequency to measure RF power over a narrow bandwidth. This is clearly distinguishable over the citations of the Examiner. In this regard, Jones does not disclose a system that includes a receiver operative to obtain samples of signals, as disclosed and claimed in the present embodiment.

The system of Jones' patent utilizes a waveform comparison in that it retrieves the entire waveform from the output of the amplifier and compares that waveform to the waveform that is input to the amplifier. The present embodiment has no need to perform a waveform comparison and/or to analyze the input waveform.

The Examiner relies on Shin for teaching of a receiver being tuned to at least on specific frequency offset from a carrier frequency. However, as previously argued and unaddressed by the Examiner, Shin is not fairly combinable with the previously noted patents that relate to waveform comparison. Presuming that Shin relates to spectrum analysis, this technology is an entirely different approach to predistortion techniques than waveform analysis. This, of course, has been previously argued in connection with the differences between the present invention and the cited references. Shin is further distinctive and not combinable because the system of Shin does not specify that predistortion is being applied to a baseband signal, as claimed. Indeed, the circuit shown in Figures 5, 7, 12 and 13 of Shin imply that predistortion techniques are being applied to an RF signal, as opposed to a baseband signal. The Examiner does not disagree that Shin does not teach application of predistortion to a baseband signal. The Examiner argues that Jones relates to a baseband signal. However, as noted above, these teachings are not combinable. Because each of the independent claims 17, 21 and 30 recite the RF sampling features as above, these claims, and all claims dependent thereon (claim 34), are not rendered obvious by the suggested combination.

With respect to the Examiner's rejection of claim 27, substantially the same arguments apply. That is, if Shin is perceived as teaching spectrum analysis, it is not combinable with Jones to render the claims obvious. The Examiner has not addressed this lack of combinability. Even if these teachings were somehow combined, the resultant combination would be a waveform analysis using some sort

of feedback control. No waveform analysis teaching should render the claims herein obvious.

Non-art Rejections

The Examiner rejected claim 28 for an informality. The claim has been corrected.

CONCLUSION

It is respectfully submitted that the subject application is now in better condition for allowance.

Respectfully submitted,

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